IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21592 of 2004

Between:

Kanagala Venkaiah, S/o Pothaiah,
R/o Samithi Singaram Village, Manuguru Mandal,

Khammam District **..... PETITIONER**

AND

1. Special Deputy Collector, (Tribal Welfare)

Bhadrachalam, Khammam District

2 The Mandal Revenue Officer, Manuguru,

Khammam District

3 Posem Narsimha Rao, S/o Late Sarvaiah,
R/o Bandarugudem, Manuguru Mandal,

Khammam District

4 The Additional Agent to Government,

(I.T.D.A.Project Officer),
Bhadrachalam, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed by the 1st respondent to the extent of the petitioner land in question to an extent of Ac.0-16 1/2 guntas in Case No.473/1998/MGR dated 11-11-2002 for eviction in land Sy.No.138/1680 (Old), Sy.No.138/21 (New) the total extent of 2 Acres of Manuguru, Khamma district, is illegal and void, without notice is opposed to Article 14,19,21 and 300-A of the Constitution of India and consequently to direct the 1st respondent to pass appropriate orders by due process of law.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents: GP SOCIAL WELFARE

The Court at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21592 Of 2004

ORDER:

The present writ petition is filed to issue a writ of mandamus declaring the orders passed by the 1st respondent to the extent of the petitioner's land admeasuring Ac.0.16 ½ guntas in Case No.473/1998/MGR dated 11-11-2002 for eviction in land in Survey No.138/1680 (Old), Survey No.138/21 (New) out of 2 acres of Manuguru, Khammam District, as illegal and void.

2. In pursuance of the orders passed in Case No.473/1998/MGR, dated 11-11-2002, wherein the Special Deputy Collector (TW), Bhadrachalam, issued an ejectment decree and order for restoration of possession of land under Form "F" under Rule 7 (4) of the Andhra Pradesh (Scheduled Area) Land Transfer Regulation Rules, 1959, the petitioner filed an appeal along with stay petition before the 4th respondent and they are stated to be pending. However, since no orders have been passed even in the stay petition filed by the petitioner, the present writ petition is filed, challenging the order dated 11-11-2002.

3. The learned counsel appearing for the petitioner contended that necessary direction may be given to the 4th respondent to dispose of the appeal filed by the petitioner after affording a reasonable opportunity to the petitioner to put forward his case.

4. The learned Government Pleader for Social Welfare also did not oppose the same since the subject matter of the dispute is pending with the 4th respondent.

5. Considering the submissions made by both the counsel, I am of the considered view that the fourth respondent-Additional Agent to the

Government (I.T.D.A.Project Officer), Bhadrachalam, has to take appropriate decision basing on the material available on record. Therefore, a direction can be given to the 4th respondent to dispose of the appeal within a period of six (6) weeks from the date of receipt of a copy of this order. Till then, status quo obtaining as on today shall be maintained.

6. Accordingly, the writ petition is disposed of with the above said observation. There shall be no order as to costs.

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November 24, 2004

Kvr

To

1. Special Deputy Collector, (Tribal Welfare)

Bhadrachalam, Khammam District

2 The Mandal Revenue Officer, Manuguru,

Khammam District

3 Posem Narsimha Rao, S/o Late Sarvaiah,
R/o Bandarugudem, Manuguru Mandal,

Khammam District

4 The Additional Agent to Government,

(I.T.D.A.Project Officer),
Bhadrachalam, Khammam District

5. Two C.Cs to the GP for Social Welfare,

High Court of AP Buildings, High Court of AP,

Hyderabad (O.U.T.)

6 Two C.Ds.